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| EXAMINER |
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PENG, FRED H

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| ART UNIT | PAPER NUMBER |
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2623

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10/02/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/084,715

Applicant(s)

ZIMMERMAN, JOHN

Examiner

Fred Peng

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth et al (US 2005/0028207 A1) in view of Usui et al (US 6,075,570).

Regarding Claim 1, Finseth discloses an audio-video program recommendation system (FIG.3) for listing program material in accordance with a user's preferences (Para 9), said system comprising:

a microprocessor (FIG.3, -74) for recognizing and processing identifying signals for program items (Para 73 lines 8-9); an electronic storage device (FIG.3, -78) coupled to said microprocessor for storing look-up lists of program items (Para 71 lines 1-3) and signals associated therewith (Para 55 lines 9-12, Para 56 lines 14-15), said look-up lists comprising lists of previously viewed program items (Para 71 lines 1-3; Para 74 lines 1-6);

a recommendation algorithm incorporated into said microprocessor for choosing and listing recommended program items for current viewing (FIG.6, Para 77 lines 1-5) based upon the nature (Para 72) and frequency (Para 73 lines 8-11) of previous program item selections that are recorded in said look-up lists in said electronic memory device (Para 71 lines 1-3).

Finseth fails to disclose a user-operable input signal device coupled to said microprocessor, enabling a user to selectively identify selected ones of said recommended program items as having been previously viewed, such that said microprocessor then removes said selected ones of said recommended program items from said listed recommended program items for current viewing and adds said selected ones of said program items to said look-up lists in said memory device.

In an analogous art, Usui discloses a user-operable input signal device coupled to said microprocessor, enabling a user to selectively identify selected ones of program items in the program list as having been previously viewed, such that said microprocessor then removes said selected ones of program items from said listed program items for current viewing and adds said selected ones of said program items to said look-up lists in said memory device (Col 11 lines 44-51).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify Finseth's system to include a user-operable input signal device coupled to said microprocessor, enabling a user to selectively identify selected ones of the program items as having been previously viewed, such that said microprocessor then adds said selected ones of said program items to said look-up lists in said memory device, as taught by Usui so that the user can search the stored data for programs that the user has watched before.

Regarding Claim 5, Finseth discloses an audio-video program recommendation system for listing program material in accordance with a user's preferences, said system comprising:

a computer apparatus (FIG.3, -34) capable of recognizing, processing and storing look-up lists of identifying signals for program items (Para 55; Para 59; Para 70);

a recommendation algorithm incorporated into said computer apparatus for choosing and listing recommended program items (FIG.6, Para 77 lines 1-5) for current viewing based upon the nature (Para 72) and frequency (Para 73 lines 8-11) of previous program item selections that are recorded in said look-up lists (Para 71 lines 1-3). Finseth further discloses said computer

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apparatus comprises a keyboard having at least one key capable of identifying selected ones of said recommended program items (Para 64 lines 4-6).

Finseth fails to disclose identifying selected ones of said recommended program items as having been previously viewed, such that said computer apparatus then removes said selected ones of said recommended program items from said listed recommended program items for current viewing and adds said selected ones of said program items to said look-up lists.

In an analogous art, Usui discloses identifying selected ones of said recommended program items as having been previously viewed, such that said computer apparatus then removes said selected ones of said recommended program items from said listed recommended program items for current viewing and adds said selected ones of said program items to said look-up lists (Col 11 lines 44-51).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Finseth to include selectively identify selected ones of the program items as having been previously viewed, such that said microprocessor then adds said selected ones of said program items to said look-up lists in said memory device, as taught by Usui so that the user can search the stored data for programs that the user has watched before.

Regarding Claim 7, Finseth discloses a method of recommending program listings in accordance with a user's selection preferences, said method comprising the steps of:

accessing a first electronic list representing programs available for viewing at a given time (FIG.4, -88A, a regular program guide for viewing at a given time, Para 64);

accessing a second electronic list representing a compilation of programs previously selected for viewing by an identified user of the system (Para 70, user viewing history record is the second electronic list);

comparing said first electronic list with said second electronic list, to obtain a list of recommended program items based upon the nature of the previously selected programs identified in said second electronic list (Para 77 lines 1-7);

displaying said list of recommended program items on a video display device for inspection by said user (FIG.6, -88B, Para 77 lines 3-5); selectively identifying and characterizing by a corresponding electronic signal, a program item on said list of recommended program items (FIG.6, user can use the remote Control to select the program, Para 77 lines 7-20).

Finseth fails to disclose selectively identifying and characterizing by a corresponding electronic signal, a program item on said list of recommended program items that was previously viewed by said user; appending to said second electronic list, program items included in said list of recommended program items that are currently selectively identified and characterized by said identified user; and removing said program items that are currently selectively identified and characterized by said identified user from said list of recommended program items.

In an analogous art, Usui discloses identifying and characterizing by a corresponding electronic signal, a program item on said list of recommended program items that was previously viewed by said user; appending to said second electronic list, program items included in said list of recommended program items that are currently selectively identified and characterized by said identified user; and removing said program items that are currently selectively identified and characterized by said identified user from said list of recommended program items (Col 11 lines 44-51).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the system of Finseth to include selectively identify selected ones of the program items as having been previously viewed, such that said microprocessor then adds said selected ones of said program items to said look-up lists in said memory device, as taught by Usui so that the user can search the stored data for programs that the user has watched before.

Regarding Claim 8, Finseth further discloses checking for the receipt of a signal indicating the user's desire to view a program and presenting such identified program item for viewing (FIG.4, Para 64).

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Regarding Claim 9, Finseth further discloses displaying a screen menu (FIG.6, -106), together with said displaying of recommended program items (FIG.6, -88B), indicating the actions (FIG.6, -108D, -108E, -108A) to be taken by a user employing said method (Para 77 lines 3-22).

Regarding Claim 10, Finseth further discloses displaying together with said screen menu, an illustrative caption identifying said method of recommending program listings (FIG.6, -106, when FIND button is selected, a list of recommendation methods of program listings is displayed).

4. Claims 2, 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finseth et al (US 2005/0028207 A1) and Usui et al (US 2004/0019906 A1) as applied to Claims 1 and 5 above, and further in view of Percy et al (US 4,646,145).

Regarding Claims 2 and 6, Finseth and Usui disclose limitations in Claims 1 and 5, however, they fail to disclose user operable input device is a dedicated push-button.

In an analogous art, Percy discloses it is desirable to use a dedicated push-button 17 (FIG.2) in order to enable viewer selective actuation of input devices (Col 14 lines 6-10) and identify viewer reactions to a program in essentially real time (Col 13 line 5-29).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combined system of Finseth and Usui to include dedicated push buttons as taught by Percy for the added advantage of increased convenience and simplicity for the user and enabling the user to more quickly/correctly input program rating selections.

Regarding Claim 3, Finseth discloses user operable input device comprises a plurality of dedicated push buttons, at least one of said push buttons serving to identify a selected one of said recommended program items for current viewing (Para 64, Para 66).

Finseth and Usui fail to disclose dedicated push buttons.

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In an analogous art, Percy discloses it is desirable to use a dedicated push-button 17 (FIG.2) in order to enable viewer selective actuation of input devices (Col 14 lines 6-10) and identify viewer reactions to a program in essentially real time (Col 13 line 5-29).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combined system of Finseth and Usui to include dedicated push buttons as taught by Percy for the added advantage of increased convenience and simplicity for the user and enabling the user to more quickly/correctly input program rating selections.

5. Claim 4 is rejected under 35 U.S.C 103(a) as being unpatentable over Finseth et al (US 200510028207 A1), Usui et al (US 200410019906 A1) and Percy et al (US 4,646,145) as applied to Claims 1 and 3 above, and further in view of Yamamoto (US 2007/0006266 A1).

Regarding Claim 4, Percy further discloses it is desirable to use a dedicated push-button 17 (FIG.2) in order to enable viewer selective actuation of input devices (Col 14 lines 6-10) and identify viewer reactions to a program in essentially real time (Col 13 line 5-29).

Finseth, Usui and Percy are silent about recommendation algorithm further serves to recognize program items that are identified as unacceptable; said microprocessor is programmed to create a look-up list of unacceptable programs for storage in said memory device. Percy further discloses it is desirable to use a dedicated push-button 17 (FIG.2) in order to enable viewer selective actuation of input devices (Col 14 lines 6-10) and identify viewer reactions to a program in essentially real time (Col 13 line 5-29).

In an analogous art, Yamamoto discloses recommendation algorithm further serves to recognize program items that are identified as unacceptable; said microprocessor is programmed to create a look-up list of unacceptable programs for storage in said memory device (Para 120, the contents of further less importance are identified as unacceptable and is programmed in the program list as past programs).

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It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the combined system of Finseth, Usui and Percy to include recommendation algorithm further serves to recognize program items that are identified as unacceptable; said microprocessor is programmed to create a look-up list of unacceptable programs for storage in said memory device, as taught by Yamamoto as an alternative reference for the service providers to avoid wrong recommendation programs based on this information.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred Peng whose telephone number is (571) 270-1147. The examiner can normally be reached on Monday-Friday 09:00-18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fred Peng
Patent Examiner

A handwritten signature in black ink, appearing to read 'Vivek Srivastava', with a stylized flourish at the end.

VIVEK SRIVASTAVA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600